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ABSTRACT

In accordance with Illinois state legislation passed in 1975, this pamphlet provides guidelines for the development of school policies that reflect sex equity. The guide provides definitions of relevant terms as well as standards for administrative policies, admissions, employment, programming, classroom practices, extracurricular activities, and grievance procedures. (JEH)

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Implementing Guidelines: Illinois Law Providing for Sex Equity in Education

Illinois
State Board of
Education

Equal Educational
Opportunity

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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Implementing Guidelines

Illinois Law Providing for Sex Equity in Education

(Sections 24-4, 24-7, 27-1 of *The School Code of Illinois*)

November 1977

Illinois State Board of Education

Donald G. Gill
State Superintendent of Education

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FOREWORD

In August of 1975, the Illinois Legislature expressed its commitment to educational equity by enacting legislation prohibiting sex discrimination in the common schools of Illinois. P.A. 79-597 charged the Illinois Office of Education with primary responsibility, in consultation with the Illinois High School Association, to develop guidelines for implementation at the elementary/secondary level.

The formulation of these guidelines has been predicated by the substantive contributions of a great many persons and professional organizations; the guidelines represent the efforts of many well-informed, concerned persons. Every local (public and nonpublic) and regional superintendent in Illinois was invited to review and react to a preliminary draft, and many fine recommendations were incorporated during final revisions.

These guidelines will facilitate the efforts of Illinois educators as they work to expand options for all students, removing barriers and encouraging growth, so that no child is limited solely on the basis of his or her sex. They are a blending of ideas and ideals that can bring the promise of equal educational opportunity a step closer to reality in Illinois schools.

Donald G. Gill

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State Superintendent of Education

1. Authority

1.1 These guidelines are established pursuant to all pertinent authority conferred by the Constitution and Laws of Illinois including particularly Chapter 122, Section 10-20.7, 10-21.1, 10-22.5, 24-4, 24-7, and 27-1 of the Illinois Revised Statutes. These guidelines are based primarily on Section 27-1, which states in part:

"No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that person's sex. No student shall, solely by reason of that person's sex, be denied equal access to physical education and interscholastic athletic programs or comparable programs supported from school district funds. Equal access to programs supported from school district funds and comparable programs will be defined in guidelines promulgated by the State Board of Education in consultation with the Illinois High School Association."

2. State Policy

2.1 It is the policy of the State of Illinois and the State Board of Education that no person should be subjected to discrimination on the basis of sex in any program or activity of an elementary or secondary educational institution receiving state financial assistance.

3. Definitions

Bona Fide Occupational Qualification (BFOQ) - is a job qualification which may reasonably be required of job applicants as necessary for effective functioning in a particular position. The use of sex as a BFOQ is illegal in most instances, notable exceptions in educational institutions being the supervision of locker rooms, showers, and toilet facilities.

Comparable - means similar in quality and quantity.

Contact Sports - are those sports whose major activity involves bodily contact; they include basketball, boxing, football, ice hockey, rugby, and wrestling.

Counseling - includes guidance activities, personal counseling, testing, provision of vocational and career education or information, scheduling assistance, and any other pupil services provided by counseling personnel.

Course - refers to district sponsored classes regardless of the location of class meetings, nature of instruction, or type or age of student.

Discrimination - is the effect of a policy, practice, or procedure which identifies a group of persons to receive unequal treatment, whether or not such effect is intended.

Equal Access - may be defined herein as availability of opportunity without discrimination on the basis of sex, going beyond simple admission to a course to include full participation in the learning process.

Equitable - means comparable, fair and just; equitable, herein defined, does not mean equal or same.

Prime Time - may be defined as that time period which is most desirable locally.

4. Administrative Policies

4.1 All official and unofficial policies of school districts should reflect the spirit of the State statute prohibiting discrimination on the basis of sex.

(a) The process of policy development should not discriminate against participants on the basis of sex.

(b) Each school district should have an official policy that guarantees both sexes equal access to employment, to educational programs and activities, and to extracurricular programs.

5. Admissions

5.1 Students of both sexes should have equal access to educational programs supported totally or in part by local school district funds.

(a) An institution should not set quotas on the number of male and female students who will be admitted.

(b) An institution should not set different admission standards for one sex than the other.

6. Employment

6.1 All persons, regardless of sex, should be accorded equal access to all categories of employment in a school district, the only exception being where sex is a bona fide occupational qualification.

6.2 All fringe benefits including but not limited to medical, hospital, accident or life insurance, retirement policies or plans, and leaves of absence should be provided without regard to sex.

6.3 There should be no discrimination on the basis of sex in the recruitment, hiring, assignment, retention, benefits or compensation of school district personnel.

6.4 Inservice training addressing the issue of sex equity in education should be provided to school district administrators and certificated and non-certificated personnel.

7. Instructional Programs

7.1 Course of Instruction

(a) All course offerings should be open to all students regardless of sex.

(b) Course requirements should be the same for both sexes.

(c) Graduation requirements should be the same for both sexes.

(d) Students should not be encouraged to take or refrain from taking any course on the basis of sex.

(e) Neither course titles nor descriptions should discourage either sex from enrolling.

(f) Course content should not be sex stereotyped or sex biased.

(g) No student should be discriminated against because of actual or potential marital or parental status.

7.2 Permissible Separation by Sex

(a) Students may be segregated by sex while they are participating in contact sport skill practice or competition; instructional portions of classes should be coeducational.

(b) Students may be separated according to sex during class sessions or portions thereof which deal exclusively with human sexuality.

7.3 Programmatic Areas

(a) Career education should be made available to students in a non-sex biased fashion. Students of both sexes should be exposed to a variety of career models both traditional and nontraditional.

(b) Students should not be divided according to sex when participating in music instruction, although divisions within a class may be established on the basis of voice range which may result in sections of one sex.

(c) Physical Education

(i) Each physical education class should be open equally to both sexes.

(ii) Where classes are based on skill level, non-sex biased testing should be used to determine class membership.

(iii) Neither classes nor areas where classes are conducted should be designated by sex.

(iv) Shower facilities and dressing areas should be comparable for both sexes.

(v) Instructional staff assignments should be non-discriminatory; assignments to supervise locker rooms, showers, and toilet facilities may be made according to sex.

(vi) Support services should be comparable for both sexes.

(vii) Standards for measuring progress in physical education should not be sex biased.

(d) Classes and related services for exceptional children should be furnished on a non-discriminatory basis whether furnished by the school district either independently, cooperatively with other districts or through private placement.

(e) Vocational schools and classes should be equally accessible to students of both sexes.

(i) Local advisory councils should include persons with knowledge of problems related to sex discrimination in job training and employment.

(ii) All vocational courses and activities should be free of sex discrimination.

(iii) Opportunities should be provided for both students and instructors to explore problems of sex bias in education and the working world.

(iv) Students should be encouraged to participate in vocational courses and programs consistent with their abilities, interests and aptitudes regardless of sex.

7.4 Classroom Practices

(a) Teachers should employ teaching methods and attitudes which promote sex equality.

(b) Teachers should not display sex bias in discipline, assignments, selection and use of materials, seating arrangements or any other aspects of conducting class.

7.5 Instructional Materials and Textbooks

(a) School districts should establish and implement a policy that provides for the elimination of sex bias in all textbooks and other instructional materials.

(b) Prior to the elimination of sex discriminatory texts and materials, teachers should employ methods designed to counteract such bias.

(c) All textbooks and other instructional materials adopted or purchased should be free of sex bias.

(d) Classic literature which contains sex bias need not be removed from course materials, but such sex bias should be identified, discussed and counter-balanced where possible.

8. Counseling

8.1 Counseling should be provided equally and in a nondiscriminatory manner to both sexes.

8.2 All appraisal instruments and the like should be free of sex role stereotyping in content, administration and interpretation.

8.3 Career materials should be free of sex bias, encouraging consideration of all careers by both sexes.

8.4 Counselors should not sex stereotype students by attributing behaviors, abilities, interests, values, and/or roles to a person or group of persons on the basis of their sex.

8.5 Counselors should provide special support to students who choose not to conform to such stereotypes.

8.6 Students should not be advised to enroll in courses on the basis of sex.

8.7 Students should not be assigned to a counselor on the basis of sex except as deemed necessary in individual cases for effective interaction and counseling.

9. Extracurricular Activities

9.1 All extracurricular activities, (except permissible separations by sex as described in 7.2) including sports programs, clubs, committee memberships, service or honor organizations, intramurals and various after-school activities, which are offered by or through a school should be available to all students on an equal basis regardless of sex.

(a) Students of both sexes should be encouraged to participate in extracurricular activities which traditionally may have restricted participation or membership on the basis of sex.

(b) All intramural sports activities (excepting "contact sports") should be open to students of both sexes.

9.2 Athletic programs should be open to members of both sexes, and both sexes should be accorded equal opportunities.

(a) Athletic programs should accurately reflect the interests and abilities of all students.

(b) Separate teams are allowable for contact sports.

(c) Where a coeducational team in such sport will not accommodate the interest and abilities of members of both sexes equally, separate teams should be afforded by sex.

(d) In a non-contact sport, if a team is provided for only one sex, members of the excluded sex should be allowed to compete for a place on the team if they were previously limited in over-all sports opportunities in that district.

(e) Supplies and equipment should be comparable in quality and in amount as appropriate to the participation in each sport.

(f) Scheduling of athletic activities, including practices and games, should be equitable for all sports and both sexes. "Prime time" should be scheduled in such a way as to assure equity, even when this means departing from traditional practices.

(g) Allowances for travel and per diem should be equitable for both sexes.

(h) Coaching assignments and salary should be set without reference to either sex of the coach or sex of participants.

(i) Compensation of coaches should be equitable to both sexes in terms of the demands of each sport and each team. Factors to be considered include, but are not necessarily limited to, length of season, number of contests, number of participants, number of assistants and level of competition.

(ii) Special benefits accorded coaches by the school district should be provided equally for each sex. Factors to be considered include, but are not necessarily limited to, released time, reduced teaching assignments, provisions for scouting, attendance at clinics and/or tournaments.

(iii) Changes should not be made in coaching assignments which would have a disproportionately adverse effect on the employment opportunities of one sex.

(iv) Coaches should not be recruited or assigned on the basis of sex except as part of an affirmative action effort.

(i) The use of facilities for practice and competition should be equitable, particularly among sports which have comparable facility requirements.

(i) Facilities should be appropriate to the sport and of comparable quality; when comparable facilities cannot be provided, assignments should not be determined by tradition, the sex of the participants, or any factor which would result in discrimination on the basis of sex.

(ii) Locker rooms, lounge facilities open to dressing areas, showers and dressing areas may remain segregated by sex; however, they should be comparable in accommodations and services.

(j) Medical and training services should be provided on an equitable basis for all students in all sports.

(k) District personnel should attempt to provide comparable publicity for all sports; special care should be taken to assure that traditional sports do not receive disproportionate emphasis.

9.3 Awards, honors, and scholarships should be determined by student achievement, rather than according to separate requirements based on the sex of the student.

(a) All awards and honors granted by the school district should be either available equally to students of both sexes or comparable for students of each sex.

(b) Students of both sexes should have equal access to any scholarships awarded by the school. Schools should make certain that previous discrimination on the basis of sex does not place either sex at a disadvantage in current competition.

9.4 Specialized activities, including but not limited to Cheerleaders, Pom-Pon Squads, and Color Guards, should be available equally to students of both sexes.

(a) Criteria, selection procedures and uniform restrictions which would directly or indirectly result in discrimination according to sex should not be used.

(b) Criteria for utilization of such groups should not be sex biased.

9.5 A school district should provide equal access to all clubs and activities directly or indirectly supported by school district funds.

(a) Equal access guidelines do not apply to certain single-sex youth organizations with which schools cooperate such as Girl Scouts and Boy Scouts.

(b) Other clubs should not use names which imply membership or participation is restricted on the basis of sex.

9.6 The selection process for the school safety patrol should reflect performance and reliability without reference to the sex of the students.

9.7 Speech and drama activities should be available to all students regardless of sex.

(a) Specific activities, such as working on stage crews, promoting, acting and directing, should provide overall equity of opportunity for both sexes according to ability levels and interests of the students.

(b) Competitive speaking events should be open to both sexes. Events such as "girls' extemporaneous speaking" and "boys' extemporaneous speaking" should no longer be offered separately.

(c) Single sex material (e.g., a monologue specific to one sex) may be used as long as comparable opportunities are given to the opposite sex.

9.8 Miscellaneous

(a) A king or queen of an activity may be selected; however, there should be comparable opportunities over the course of the school year for students of both sexes.

(b) If schools hold separate mother-daughter, father-son occasions, comparable opportunities should be available for students of both sexes, and the special needs of children from one-parent families should be considered.

10. Grievance Procedures

10.1 Persons (employees, students, parents, concerned citizens) wishing to present a sex discrimination question for review should have access to an appropriate local district grievance procedure.

(a) Employees, students and parents should be notified of the grievance procedure appropriate for use in questions of sex discrimination under the State law.

(b) Such procedure should clearly indicate the steps to be taken in initiating a grievance and should include specific timelines for completion of review and rendering of decision.